

Message Text

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ACTION EB-08

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SUBJECT: REPORT ON 20TH SESSION OF GROUP OF RAPPORTEURS
ON CONTAINER TRANSPORT

SUMMARY: 20TH GRCT SESSION CONTINUED DISCUSSION OF
CONVENTION ON SAFE CONTAINERS (CSC) AND PREPARED PAPER
ON CONTAINER STANDARDS. UNCTAD DRAFT TERMS OF REFERENCE
FOR COMMITTEE ON SHIPPING WERE ROUNDLY CRITICIZED. END
SUMMARY.

1. USDEL MADE COPIES AVAILABLE OF ITS ENABLING LEGISLATION
AND DRAFT REGULATIONS FOR IMPLEMENTATION OF THE CSC. THE
GROUP DISCUSSED A PAPER, SUBMITTED BY U.S. AT THE 19TH
SESSION, DEALING WITH THE QUESTION OF INTERPRETATION
REGARDING CONTROL OF CONTAINERS UNDER ARTICLE VI. USDEL
STATED ITS INTERPRETATION, AS EMPLOYED IN ITS PROPOSED
REGULATIONS THAT FAILURE OF TIMELY PERIODIC EXAMINATION
DID NOT ALONE RENDER A CONTAINER SUBJECT TO DETENTION
UNDER ARTICLE VI, BUT RATHER WAS ENFORCEABLE ONLY BY THE
ADMINISTRATION OF THE OWNER'S DOMICILE. SWEDEN COMMENTED
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THAT ITS INTERPRETATION WAS SIMILAR, BUT ADDED THAT IT
THOUGHT THAT EXAMINATION MIGHT NEED TO BE MORE CLOSELY
POLICED. NETHERLANDS, JAPAN, U.K., CANADA, AND FRANCE
INDICATED THAT THEIR INTERPRETATION WAS OTHERWISE, I.E.,
THAT UNEXAMINED CONTAINERS COULD BE STOPPED UNDER ARTICLE
VI, BUT ALL HASTENED TO ADD THAT STRICT APPLICATION OF
THIS AUTHORITY COULD BE VERY SEVERE, BUT THAT IN PRACTICE

THEY WOULD LIKELY APPLY SANCTIONS LENIENTLY, WITH ACTUAL RESULTS BEING VERY SIMILAR TO THOSE OF THE PLAN. USDEL URGED THE NEED FOR MORE CERTAINTY IN THE REGULATORY SCHEME, AND THIS IDEA WAS ENDORSED BY OTHERS. USDEL NOTED SUGGESTIONS FOR AMENDMENT TO THE CSC, IN PARTICULAR, EXTENSION OF THE 1982 DEADLINE FOR APPROVAL OF EXISTING CONTAINERS, BECAUSE AN EXISTING AGREEMENT MADE AT LAST SESSION OF IMCO SUBCOMM. ON CONTAINERS AND CARGOES HAD NO FORCE OF LAW. THIS IDEA WAS ALSO SUPPORTED, BUT NO COMMITMENTS WERE MADE. POSITIONS, ATTITUDES AND DETAILS ON IMPLEMENTATION WERE NOTED BY SEVERAL OTHER DELEGATIONS, WITH SOME EXCHANGE OF DOCUMENTATION, BUT IT WAS CLEAR THAT US PLANS WERE AHEAD OF OTHERS IN DEVELOPMENT. THE ADVANCED STATE OF THE US PLANS IS LIKELY TO INFLUENCE THE OTHERS' PROGRAMS FOR IMPLEMENTATION.

2. DISCUSSION OF PIGGY-BACK CARRIAGE WAS LIMITED BECAUSE THE REPORT OF THE WORKING GROUP ON ROAD TRANSPORT HAD NOT COMPLETED ITS STUDY. FRG AND NETHERLANDS DESCRIBED THEIR ON-GOING STUDIES. SWITZERLAND IS ALSO STUDYING THIS FORM OF TRANSPORTATION. THE US REFERRED TO PRESENT ACTIVITIES IN THIS AREA BY AMERICAN ASSOCIATION OF RAILROADS AND DOT/FRA. RAPORTEURS REQUESTED FURTHER DISTRIBUTION OF THE FRA REPORT BEYOND THE SUBMISSION TO THEIR EMBASSIES IN WASHINGTON. US RAPORTEUR QUESTIONED THE AUTHORITY OF THE GRCT TO STUDY THIS SUBJECT. LIMITED OFFICIAL USE

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THE MATTER OF WORK ASSIGNMENTS WILL BE TAKEN UP BY THE INLAND TRANSPORT COMMITTEE.

3. THE WORK OF THE UNCTAD IPG ON A CONVENTION ON MULTI-MODAL TRANSPORT WAS DISCUSSED BRIEFLY. THE US RAPORTEUR DESCRIBED PRESENT US DISILLUSION WITH PROGRESS OF THE IPG, NEED FOR REAPPRAISAL BY MEMBER STATES OF SITUATION, AND THAT THE U.S. WAS PRESENTLY ENGAGED IN SUCH AN EVALUATION. UK SHARED THESE VIEWS; SO DID FRG WHICH STATED INTEREST IN PRIVATE LAW CONVERSATION ONLY.

4. PREPARATIONS FOR UNCTAD AD HOC GROUP ON CONTAINER STANDARDS OCCUPIED GRCT EXTENSIVELY. DISCUSSION CONCENTRATED ON LIST OF QUESTIONS TO BE STUDIED BY UNCTAD. US URGED THAT RAPORTEURS SHOULD COMMENT ON THE QUESTIONS AT 20TH SESSION OF GRCT BEFORE UNCTAD SECRETARIAT BEGINS STUDY, AND SHOULD LATER COMMENT ON UNCTAD PAPERS AVAILABLE FOR 21ST GRCT. THE US DRAFT PAPER ON UNCTAD QUESTIONS WAS SUBSTANTIALLY REDRAFTED TO REFLECT CONSENSUS OF THE RAPORTEURS, AND IT FINALLY WAS ADOPTED AS THE VIEW OF THE GRCT. USSR COMMENT WAS TO PROTECT CURRENT INVESTMENT IN CONTAINERS AND THAT GRCT SHOULD

STUDY ISSUE OF POSSIBLE INSTRUMENT ON CONTAINER STANDARDS
AT 21ST SESSION. THIS WAS ACCEPTED BY THE GROUP.
CHAIRMAN EXPRESSED GRATITUDE TO US FOR HAVING ASSUMED TASK
OF DRAFTING RESPONSE OF GRCT.
5. UNCTAD DRAFT TERMS OF REFERENCE FOR COMMITTEE ON
SHIPPING WERE DESCRIBED BY US RAPPORTEUR AS BEING IN
EXCESS OF MANDATE GIVEN BY ECOSOC. FRG STATED THAT THE
DRAFT DID NOT REFLECT INTENDED ROLE OF IMCO, ICAO AND OF
REGIONAL ECONOMIC COMMISSIONS. UK URGED POSTPONEMENT OF
NEW TERMS OF REFERENCE UNTIL AFTER COMPLETION OF WORK OF
THE IPG AND AD HOC GROUP ON CONTAINER STANDARDS. US
PARTICIPATED IN SMALL WORKING GROUP WHICH PRODUCED GRCT
STATEMENT REFLECTING THE VIEWS STATED. VANDEN HEUVEL

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